



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



462220

SEP 23 2002

REPLY TO THE ATTENTION OF

C-14J

Honorable Alex Bregen,  
Mayor  
Fairmont City  
4308 Cookson Road  
Fairmont City, IL 62201

Dear Mayor Bregen:

Thank you for your September 19, 2002 telephone conversation, concerning the Old American Zinc Plant (OAZ) Superfund Site in Fairmont City (St. Clair County) Illinois, and your request for a formal explanation of the matter of removal and remedial activity involving hazardous soil from your community. The United States Environmental Protection Agency (EPA) is cognizant of the need to act as swiftly as possible through its Superfund authority, in order to protect human health and the environment in Fairmont City. Your concerns noted the time delay between the initial removal actions performed in the Fairmont City residential areas, and the final proper disposal of hazardous soil outside of Fairmont City.

In order to explain the reason for some time delays and the constraints upon EPA in achieving final and complete clean ups that are protective of human health and the environment, I must describe a general overview of the Superfund Removal and Remedial Programs, and how their application effects a site such as OAZ. The Superfund removal and remedial processes are detailed at 40 Code of Federal Regulations Part 300. Removals are actions taken or ordered by EPA for abatement of imminent and substantial endangerment to the public health, welfare or the environment from a threatened release or actual release of hazardous substances at or from a site. Essentially, EPA finds (or is referred to) a site requiring emergency or time-critical response, seeks to identify responsible parties under the law, negotiates or orders a clean up action by the parties, or performs the clean up, and then seeks to recover all legitimate costs for purposes of replenishing the Superfund. At OAZ, EPA was asked to get involved with the site by the State of Illinois, and after studying the Illinois Environmental Protection Agency records, and performing some of its own investigations, EPA determined that the parts of the OAZ site that involved human residential occupation and/or commercial or industrial use on a regular basis should be addressed first, under a time-critical Superfund removal plan. In March 2002, a Superfund Administrative Order on Consent (AOC) was negotiated and completed with one of the parties that EPA determined to be liable (Blue Tee Corp.), and that party was directed to perform a time-critical removal. The site identified to be cleaned up was specifically limited to the immediate residential, commercial and industrial properties adjacent to the OAZ overall source area. This is

the full geographical extent of the Superfund order in operation at this moment. The removal action at OAZ began in May 2002, with the public meeting and question/answer availability session that you attended, and is estimated to be completed (with favorable weather) by approximately February 2003.

By operation of law, a Superfund removal can generally last for no longer than one (1) year, and cannot spend more than 2 million dollars, absent EPA headquarters involvement, or it becomes remedial in nature. Upon considering the OAZ site, EPA determined that the most critical issue was to address any threats to the immediate Fairmont City populace, living and working near the overall OAZ site source area, the XTRA Intermodal Trucking facility. EPA also determined that the most efficient use of resources and the application of Superfund law, as established by Congress at 42 United States Code Sections 9600 et seq., required that further actions at the OAZ site be approached as remedial activity.

A remedial activity requires more time and consideration, because it is designed to achieve a long-term, permanent resolution to the hazardous materials present at a site. Further, federal environmental law and policy require ample and explicit community involvement, feedback and response to concerns raised by the Fairmont City local government and community prior to any final remedy selection or implementation. Currently, EPA is negotiating with all of the responsible parties involved with the OAZ site, for performance of a Remedial Investigation and Feasibility Study (RI/FS) that will sample the OAZ site source area waste (and any other impacted areas that were not addressed during the removal actions). EPA hopes to have an AOC for the conduct of the RI/FS process completed by or before December 31, 2002. The conclusion of the RI/FS will be a document known as a Record of Decision (ROD), which will describe the remedial clean up determined to be the 'best fit' for the OAZ site. EPA (or the parties determined to be liable for the contamination at the OAZ site) will use the ROD to develop a Proposed Plan for the ultimate Remedial Action (RA) clean up. The entire remedial process, as described above, has been estimated to take on average approximately five years to completion, not including any long-term, post-construction monitoring and maintenance that may be needed.


During the OAZ removal action, soil that meets the EPA removal program criteria for being considered contaminated for purposes of residential or commercial/industrial properties will be temporarily stored at the OAZ site source area. This soil will be in protected, secure berm areas, with rigorous safeguards applied to prevent re-contamination of adjacent Fairmont City properties or deleterious effect on the workers at the XTRA Intermodal facility. The Statement of Work that is a part of the current EPA Superfund Administrative Order directs specific treatment or removal of any soil material that is too contaminated to remain in Fairmont City properties or at the XTRA Intermodal temporary storage facility. That soil will be properly disposed of at an off-site landfill in another locale. Any soil remaining should pose no further threat to the Fairmont City populace.

As I indicated during our telephone conversation of September 19, 2002, EPA is determined to move this clean up process forward to final, successful resolution with all due haste, and will

welcome and respond to all community and local government suggestions, questions and comments. EPA must follow the law, as established by Congress and implemented by the direction of the President, and we always strive to do so in a manner that works in positive conjunction with the needs and expectations of state and local government.

I hope that you find this letter responsive to your concerns. If you have any further questions or need additional information, please do not hesitate to contact me at 312/886-6613.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tom Turner', with a stylized flourish at the end.

Tom Turner

Associate Regional Counsel

cc: M. Canavan, ORA  
J. Pope, OPA  
B. Ryczek, Enf. Spec.  
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